THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.24918 of 2005

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Dated:23.11.2005

Between:

University of Hyderabad Non- Teaching Employees Association,

Rep. by its President, Sri S. Sudershan Rao,
P.O. Central University, Hyderabad - 46.

..... PETITIONERS

AND

Government of Andhra Pradesh, Rep. by its Principal Secretary,

Revenue Department,
Secretariat, Hyderabad.

.....RESPONDENTS

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WRIT PETITION No.24918 of 2005

ORDER:

The University of Hyderabad Non-Teaching Employees Association, and another seek a writ of Mandamus declaring the action of the respondents in declining to allot any land to the members of the petitioner-Association for construction of houses as illegal and arbitrary.

The petitioners allege that all categories of non-teaching employees in the University are members of the Association. The University, which was allotted huge extent of land by the Government of Andhra Pradesh is not permitting any construction in the land, as the land is intended for the development of the University for academic purposes. However, it is alleged that from 1990 onwards, the Government of Andhra Pradesh and the District Collector, Hyderabad, have started resuming the land for various purposes like construction of Collectorate, International Institute of Information Technology etc. In 1994, the Government allegedly acquired Acs.108.00 of land for Sports Authority of Andhra Pradesh (SAAP), besides allotting Acs.14.00 of land for Hockey Playground, Acs.5.00 of land

for A.P.Transco Unit, Acs.5.00 of land for establishment of the Mandal Revenue Office, Acs.30.00 of land for Jawahar Navodaya Vidyalaya and Acs.30.00 of land for Shooting Range. The petitioners also allege that an extent of Acs.50.00 of land was given to IVRCL Company at a cost of Rs.27 lakhs per acre for the construction of National Games Complex. The petitioners further allege that the Government also allotted land to A.P.NGOs House Building Society in the year 2005. Though the members of the petitioner-Association have spent the best part of their life in the service of the University over the years and contributed to the development of the University, in spite of number of representations, the first respondent declined to allot any land to the petitioners. They allege that while the Government is acquiring land from various sources for different purposes, the claim of the petitioner-Association was ignored, which is discriminatory. Therefore, they seek a direction to consider their request for allotment of land.

The learned Counsel for the petitioners, Sri V.Hari Haran, vehemently contended that the Government is resuming the land allotted to the University, and so as to assign/allot/alienate to Governmental, quasi Governmental and private organizations, however, the request of the petitioner-Association was rejected in an illegal manner. He has produced a copy of the plan showing the Hyderabad University master plan.

Opposing the writ petition, the learned Assistant Government Pleader for Revenue (Assignments) and the learned Standing Counsel for the University of Hyderabad submit that though an extent of Acs.400.00 of land, which was initially allotted to the University, was taken back for SAAP, the Government reallotted equal extent of land. They further submit that the Government or the District Collector has not allotted nor permitted any of the Associations, much less A.P.NGOs Association, to occupy the University's land as alleged by the petitioners' Counsel. They also vehemently contend that the first petitioner Association or the second petitioner or the employees of the University have no right to seek a writ of Mandamus by filing the present writ petition.

It is now well settled that this Court can grant a writ of Mandamus to enforce a right or to compel a public authority to discharge their duties. In the absence of any such right, no person can maintain a writ petition, much less, seek a writ of Mandamus. The State is the paramount owner of the land and it holds the land in public trust for being utilized for various causes in public interest. There is no obligation on the part of the State to allot land to Government employees or to the employees of the University.

Therefore, this writ petition is not maintainable. The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.11.2005

vs